

Appl. No. 09/903,217
Amd. Dated May 24, 2005
Reply to Office Action of March 30, 2005

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated March 30, 2005 is respectfully requested.

Claims 1-51 have been rejected. Claims 3, 13, 23, and 31 have been cancelled. New claims 52, 53, and 54 have been added. As such, claims 1, 2, 4-12, 14-22, 24-30, and 32-54 are currently pending.

The Specification has been amended to provide a U.S. Patent Application Number that was previously not available.

New claims 52-54 recite that a first protection characteristic and a second protection characteristic are different. Support for these new claims may be found in the Specification, as for example on page 12 at lines 13-17.

Claim 1 has been amended to recite a mixed protection domain network. Support for this amendment may be found, for example, on page 9 of the Specification at lines 1-3. Claim 1 has also been amended to recite that potential paths which are characteristically similar have similar protection characteristics. Support for this amendment may be found in the Specification, e.g., on page 9 at lines 4-5. Claim 1 has further been amended to include the limitations of now-cancelled claim 3, as well as a limitation previously recited in claim 4 as originally filed. Claim 4 has been amended to maintain consistency in view of the cancellation of claim 3 and amendments made to claim 1. As each of the amendments is supported by the Specification, it is respectfully submitted that there is no new matter added with the amendments.

Claim 11 has been amended in a similar manner as claim 1, and the limitations of now-cancelled claim 13 have been incorporated into claim 11. Claim 14 has been amended to maintain consistency in view of the cancellation of claim 13 and amendments made to claim 11. Claim 21 has been amended in a similar manner as claim 1, and to incorporate the limitations of

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now-cancelled claim 23. Claim 24 has been amended to maintain consistency in view of the cancellation of claim 23 and amendments made to claim 21. Claim 29 has been amended in a similar manner as claim 21, and to incorporate the limitations of now-cancelled claim 31. Claim 32 has been amended to maintain consistency in view of the cancellation of claim 31 and amendments made to claim 29.

Claim 36 has been amended to recite that a first characteristic is a first protection characteristic and a second characteristic is a second protection characteristic. Support for these amendments may be found in the Specification, *e.g.*, on page 10 at lines 1-24. Claim 40 has been amended to recite that each path in a third set of paths has different protection characteristics. Support for this amendment may be found, for instance, in the Specification on page 12 at lines 19-29.

Claim 41 has been amended to being with "A" rather than "An," and also to recite a first protection characteristic and a second protection characteristic. Support for these amendments may be found in the Specification, *e.g.*, on page 10 at lines 1-24. Claim 45 has been amended to recite that each path in a third set of paths has different protection characteristics. Support for this amendment may be found, for instance, in the Specification on page 12 at lines 19-29. Claim 46 has been amended in a similar manner as claim 41. Claim 50 has been amended in a similar manner as claim 45.

Claims 2, 4-10, 12, 14-20, 22, 24-28, 30, 32-35, 42-45, and 47-51 have been amended to being with "The."

Claim Objections

The Examiner objected to claims 2-10, 12-20, 22-28, 30-35, 42-45, and 47-51 have been objected to for having informalities. Specifically, the Examiner has objected to these claims for beginning with "A" or "An" instead of "The." To overcome the Examiner's objections, the

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claims objected to by the Examiner, which have not been cancelled with the filing of this amendment, have each been amended to begin with "The."

Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-6, 11-16, 21-26, and 29-34 have been rejected under 35 U.S.C. § 102(c) as being anticipated by Naranjo et al. (U.S. Publication No. 2003/0076816), herein after "Naranjo." Claims 36-51 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Gray et al. (U.S. Patent No. 6,646,990), herein after "Gray." Claims 1, 6-11, 16-20, 29, 34, and 35 have been rejected under 35 U.S.C. § 102(c) as being anticipated by Mandhyan (U.S. Patent No. 5,923,646). Claims 27 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Naranjo as applied to claim 21 above, and further in view of Hillard et al. (U.S. Patent No. 6,765,880), herein after Hillard.

1. Claims 1, 11, 21, 29, and their dependents

Claim 1 recites a method for computing a primary path within a network that includes identifying a plurality of potential paths which are characteristically similar between a source node and a destination node, and selecting a first potential path from the plurality of potential paths. The method also includes considering the first potential path for use as an actual path while the other characteristically similar paths are not considered. As amended, the network is a mixed protection domain network, and the paths are characteristically similar in that they have similar protection characteristics. Also, as amended, the method includes identifying a second potential path, which has different protection characteristics from the first potential path, for use as the actual path

It is respectfully submitted that neither Naranjo nor Mandhyan appears to teach of a mixed protection domain network. Naranjo does not appear to even discuss protection schemes, and Mandhyan, as acknowledged by the Examiner on page 13 of the Office Action dated March 30, 2005, teaches that all paths have similar protection characteristics.

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Further, neither Naranjo nor Mandhyan appears to teach the limitation of selecting a first potential path from a plurality of potential paths which have similar protection characteristics, and comparing that path with a second potential path which has different protection characteristics to determine an actual path while and not considering the remainder of the plurality of potential paths. The Examiner has stated in the Office Action dated March 30, 2005 that "all the paths in Mandhyan's embodiment have similar protection characteristics." Hence, the Examiner appears to admit that Mandhyan fails to teach of comparing paths with different protection characteristics. Naranjo also does not teach of paths having different protection characteristics. The measurement increments taught by Naranjo have nothing to do with protection characteristics. As such, amended claim 1 is believed to be allowable over Naranjo and allowable over Mandhyan for at least the reasons set forth.

Claims 2 and 4-10 each depend either directly or indirectly from claim 1 and are, therefore, each believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recite additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the cited art.

Independent claims 11, 21, and 29, as amended, each recite similar limitations as recited in claim 1. Therefore, each of these claims and their respective dependents are believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 1.

2. *Claims 36, 41, 46, and their dependents*

Amended claim 36 recites a method for computing a primary path within a network with a mixed protection domain. The method includes identifying a plurality of potential paths including a first set of potential paths that have a first protection characteristic and a second set of potential paths that have a second protection characteristic. A first potential path is selected from the first set of potential paths, and a second potential path is selected from the second set of potential paths. The method also includes identifying a path for use in transferring a signal from

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within a third set of potential paths which includes the first potential path and the second potential path but no other potential paths from the first and second sets of potential paths.

The Applicant respectfully submits that Gray does not teach the limitations of claim 36. Among many deficiencies in Gray, Gray does not teach or suggest a network with a mixed protection domain, as required by claim 36. Gray also does not teach of a first set of potential paths that have a first protection characteristic and a second set of potential paths that have a second protection characteristic. The Examiner has indicated on pages 6 and 7 of the Office Action dated March 30, 2005 that Gray teaches that a first characteristic is a "direct connection between telephones" and that a second characteristic is a "route through PBX's." It is respectfully submitted that neither of these characteristics is a protection characteristic and, further, that Gray neither teaches nor suggests any protection characteristics. Therefore, claim 36 is believed to be allowable for at least these reasons.

Claims 37-40 each depend either directly from claim 36 and are, therefore, each believed to be allowable over Gray for at least the reasons set forth above with respect to claim 37. Each of these dependent claims recites additional limitations which, when considered in light of claim 36, are believed to further distinguish the claimed invention over the art of record. By way of example, claim 40 requires that each path included in a third set of potential paths has different protection characteristics than every other path in the third set. As Gray does not make any mention of protection characteristics, claim 40 is believed to be allowable over Gray for at least this reason.

Independent claim 41, as amended, each recite similar limitations as recited in claim 36. Therefore, claim 41 and its dependents are believed to be allowable over Gray for at least the reasons set forth above with respect to claim 36.

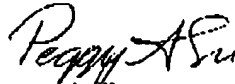
Independent claim 46, as amended, each recite similar limitations as recited in claim 36. Therefore, claim 46 and its dependents are believed to be allowable over Gray for at least the reasons set forth above with respect to claim 36.

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Conclusion

For at least the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



Peggy A. Su
Reg. No. 41,336

RITTER, LANG & KAPLAN LLP
P.O. Box 2448
Saratoga, California 95070
Phone: 408.399.5608
Fax: 408.399.5609